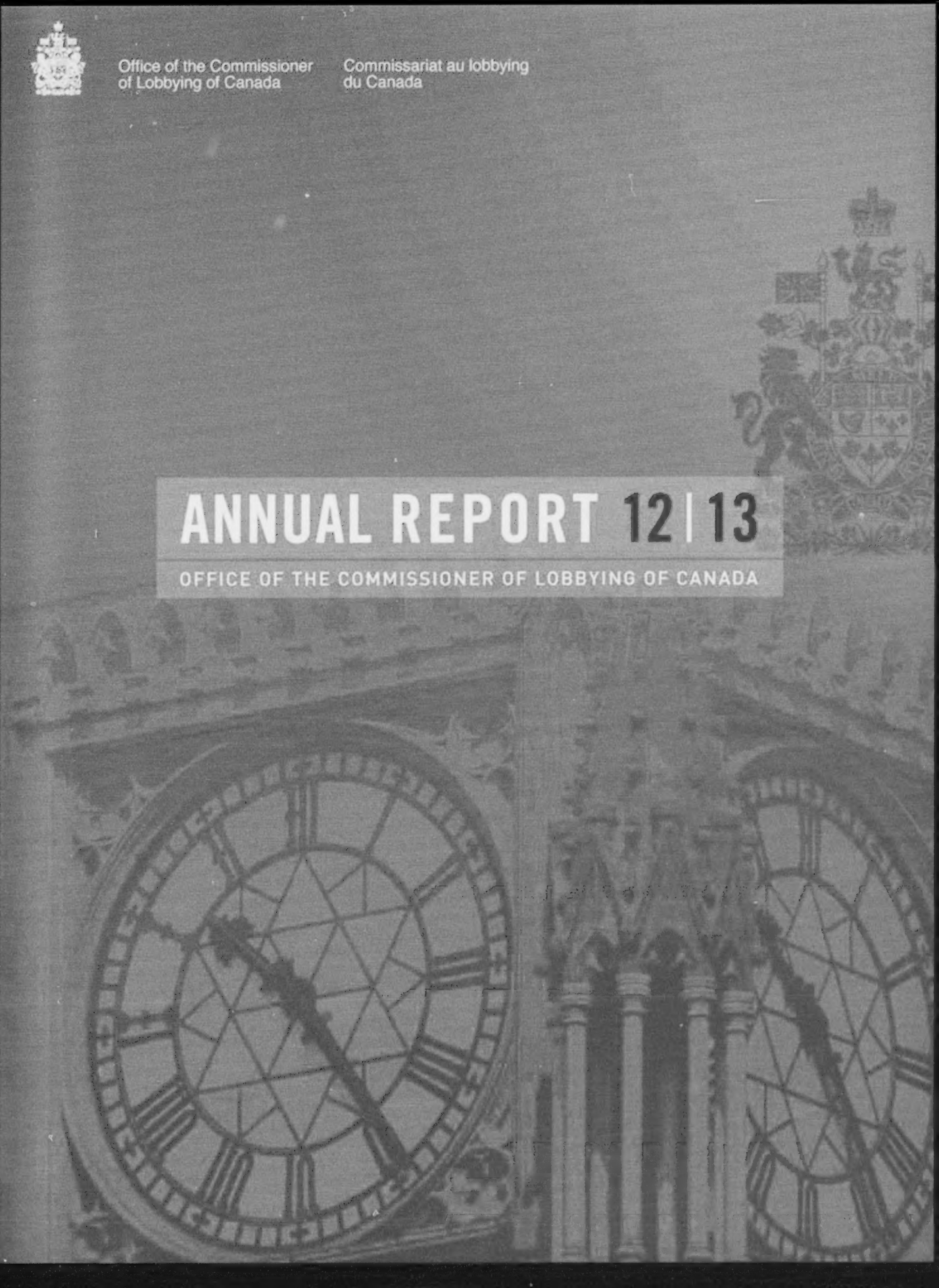
Office of the Commissioner of Lobbying of Canada
Commissariat au lobbying du Canada

ANNUAL REPORT 12|13

OFFICE OF THE COMMISSIONER OF LOBBYING OF CANADA



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Free and open access to government is an important matter of public interest.

Lobbying public office holders is a legitimate activity.

It is desirable that public office holders and the public be able to know who is engaged in lobbying activities.

A system for the registration of paid lobbyists should not impede free and open access to government.

Commissioner of Lobbying Commissaire au lobbying

Ottawa, Canada K1A 0R5

The Honourable Noël A. Kinsella
Speaker of the Senate
The Senate
Ottawa, Ontario
K1A 0A4

Dear Mr. Speaker:

Pursuant to section 11 of the *Lobbying Act*, I have the honour of presenting to you the fifth annual report of the Commissioner of Lobbying for tabling in the Senate.

This report covers the fiscal year ending March 31, 2013.

Sincerely yours,

Karen E. Shepherd

Commissioner of Lobbying | Commissaire au lobbying

Ottawa, Canada K1A 0R5

The Honourable Andrew Scheer, M.P.
Speaker of the House of Commons
Room 316-N, Centre Block
House of Commons
Ottawa, Ontario
K1A 0A6

Dear Mr. Speaker:

Pursuant to section 11 of the *Lobbying Act*, I have the honour of presenting to you the fifth annual report of the Commissioner of Lobbying for tabling in the House of Commons.

This report covers the fiscal year ending March 31, 2013.

Sincerely yours,

Karen E. Shepherd

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MESSAGE FROM THE COMMISSIONER OF LOBBYING

I am pleased to present the Annual Report for the Office of the Commissioner of Lobbying for 2012-13. This report highlights the main accomplishments of my organization in helping me deliver my mandate. My mandate is stated in the *Lobbying Act* and covers three areas of activity: maintaining a registry of lobbyists that is accessible to Canadians; fostering greater awareness of the requirements of the Act through outreach; and ensuring compliance with the legislation and the *Lobbyists' Code of Conduct*.

The Registry of Lobbyists is an important tool for Canadians. It is the primary source of information on who is lobbying federal public office holders and about which topics. Providing access to this information to Canadians is key to fostering the transparency and accountability of government decision-making. Since I became Commissioner, the registration system was improved to make it easier for lobbyists to comply with registration requirements. This year, I focused on improving the search and reporting capacity of the Registry in order to improve the access of Canadians to the wealth of information in the Registry. A survey, focus groups and usability testing organized by my Office ensured that changes to the search and reporting function of the Registry met the needs of users, including lobbyists, public office holders and representatives of the media. The resulting search and reporting tools were launched in 2012-13. These features represent the greatest improvement to the usability of the system since the *Lobbying Act* came into force in 2008.

I have long said that awareness of the Act's requirements plays a key role in achieving greater compliance. My staff and I regularly meet with lobbyists, elected officials and their staff, as well as senior managers of the federal public service to ensure that they understand the objectives and the requirements of the *Lobbying Act* and the *Lobbyists' Code of Conduct*. My website also continues to be an important outreach tool.

Canada has a robust lobbying regime which is recognized worldwide as a leader in ensuring transparency and lobbying disclosure. In November 2012, at the invitation of the Organisation for Economic Co-operation and Development, I participated in the 15th International Anti-Corruption Conference in Brazil. I also provided the annual

update on the Canadian lobbying regulatory regime at the December 2012 conference of the Council on Governmental Ethics Laws. In addition, several countries sought my perspective as the administrator of the Canadian federal legislation as they work towards introducing or improving their own legislation.

I am pleased to report significant achievements with respect to the enforcement of the *Lobbying Act*. My Office completed its 100th administrative review this year. I inherited 40 files from my predecessor, the former Registrar of Lobbyists, and this inventory has been all but eliminated, with only three inherited files remaining in my caseload. This year, two Reports on Investigation were tabled in Parliament. In these Reports, I concluded that the subjects of each investigation had breached the *Lobbyists' Code of Conduct*. Breaches of the Code do not result in fines or jail penalties. I believe, however, that by publicly exposing wrongdoing, the subjects of the reports are deterred from repeating the offence. It also provides all lobbyists with an incentive to comply with both the *Lobbying Act* and the *Lobbyists' Code of Conduct*.

For the first time, my Annual Report contains a section on a matter that I have looked into, but not previously reported upon. While the *Lobbying Act* provides the Commissioner with the ability to table a special report, I decided, for reasons outlined in the last section of this Annual Report, to include a summary of my findings, rather than issue a special report. The matter concerns the activities of five registered lobbyists who received a copy of a confidential draft report of the House of Commons Standing Committee on Finance. My findings regarding this matter are set out in the last section of this report.

In 2011–12, the *Lobbying Act* was reviewed by the House of Commons Standing Committee on Access to Information, Privacy and Ethics. That Committee completed the statutory review and tabled its report in May 2012. The government tabled its response to the Committee's report in September 2012. Until such time that Parliament may decide to amend the *Lobbying Act*, I continue to administer the legislation came into force in 2008.

As announced in Budget 2012, my Office's overall budget will be reduced by 5%, which is approximately $230,000, beginning in 2013–14. In order to absorb that reduction, I will defer development of new technology features in the Registry. I have full confidence, however, that the Registry will continue to meet the needs of both lobbyists and Canadians in ensuring the transparency of lobbying activities.

I have built a strong and professional team at the Office of the Commissioner of Lobbying, who support me in my mandate as Commissioner. It continues to be an honour to work with them to serve Parliament and Canadians. My organization's priorities for 2013–14 include: investing time and effort to further improve ease of registration by developing new online tools for lobbyists, conducting a review of the *Lobbyists' Code of Conduct* to ensure it continues to reflect the high ethical standards Canadians expect of lobbyists, and developing a more strategic approach to compliance verification and monitoring.

I remain committed to ensuring that both the *Lobbying Act* and the *Lobbyists' Code of Conduct* are administered in a way that fosters greater transparency and encourages high ethical standards in federal lobbying activities. I look forward to the challenges and opportunities that the coming year will bring.

Karen E. Shepherd
Commissioner of Lobbying

FOSTERING TRANSPARENT LOBBYING ACTIVITIES

The *Lobbying Act* (the Act) gives the Commissioner of Lobbying a mandate to establish and maintain a Registry of Lobbyists (the Registry) through which individuals, corporations and organizations must publicly disclose their lobbying activities. A publicly available registry, which is updated in a timely manner, and is easy to use and understand, ensures greater transparency of lobbying activities. The Registry enables public office holders and the public to see who is lobbying which federal official and what bills, regulations, policies and programs are the subjects of the lobbying activity.

The Registry is accessible online at no cost to users via my website. It provides reliable, up to date information about individuals, not for profit organizations and for profit corporations who lobby the federal government, whether by communicating with elected officials or with public servants. More than 174,000 searches conducted in the Registry in 2012-13 demonstrate that it is used extensively.

More than 5,000 lobbyists are registered to lobby federal public office holders. As shown in the table below, the number of active lobbyists has remained stable over the past few years.

Registrations are filed by consultant lobbyists (one per client) and by the most senior paid officer of for profit corporations and not-for-profit organizations. These numbers, too, have remained stable over the past few years.

TABLE 1: NUMBER OF INDIVIDUALS REGISTERED TO LOBBY, BY TYPE

ACTIVE LOBBYISTS BY TYPE — as of March 31	2013	2012	2011
Consultant lobbyists	783	814	814
In-house lobbyists (corporations)	1,861	1,786	1,808
In-house lobbyists (organizations)	2,612	2,582	2,507
Total registered individual lobbyists (all types)	5,256	5,182	5,129

TABLE 2: NUMBER OF REGISTRATIONS FILED BY CONSULTANT LOBBYISTS AND ENTITIES

ACTIVE REGISTRATIONS BY CATEGORY — as of March 31	2013	2012	2011
Consultant lobbyist registrations	2,131	2,123	2,136
Corporations	301	310	311
Organizations	489	492	484
Total active registrations (all categories)	2,921	2,925	2,931

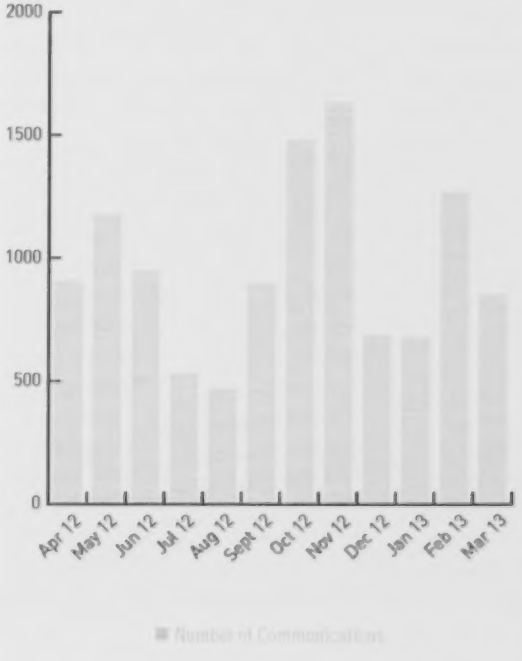
The Registry provides information about:

- who lobbies federal public office holders, and on behalf of which corporations or organizations;
- which parent and subsidiary companies or corporations benefit from lobbying activities;
- the organizational members of coalition groups represented by lobbyists;
- a general description of the subject matter of lobbying activities, as well as some details such as the names and descriptions of the specific legislative proposals, bills, regulations, policies, programs of interest and grants, contributions or contracts sought;
- the government funding received by not-for-profit organizations and for-profit corporations;
- which Government of Canada departments or agencies are being contacted;
- the public offices held within the Government of Canada before the individuals started lobbying; and
- certain oral and arranged communications with designated public office holders.

This information is updated every month if: the registration is no longer accurate; additional information needs to be added; or the lobbying activities have been terminated.

The Registry also contains monthly communication reports which include information about oral and arranged communications between lobbyists and senior government decision-makers, known as designated public office holders (DPOHs). The Act and the *Designated Public Office Holder Regulations* define the category of DPOH, which includes: the Prime Minister; ministers and their staff; Members of Parliament and Senators; deputy ministers; associate and assistant deputy ministers; senior positions in the Canadian Armed Forces and the Comptroller General of Canada. Public disclosure of these oral and arranged communications is unique to the federal regime in Canada.

FIGURE 1: NUMBER OF ORAL AND ARRANGED COMMUNICATIONS DISCLOSED, BY MONTH



IMPROVING THE REGISTRY'S SEARCH AND REPORTING TOOLS

There is a wide range of information available on lobbying activities in the Registry. It is important to provide easy access to this information and facilitate its analysis, which enables Canadians to better understand who is lobbying the federal government on what subjects.

This past year, I focused on making it easier for Canadians to search the wealth of information contained in the Registry. To complete this work, I established an Advisory Group within my Office, charged with steering the development of new search and reporting tools. A range of users of the Registry, including lobbyists, public office holders and the media, participated in a survey, focus groups and usability testing. Participation by everyone was key to ensuring that our new search and reporting tools meet the needs of those who use the Registry.

The resulting improved Registry reporting tools were launched in September 2012, and the new Registry search tools were made available in February 2013. These tools provide users of the Registry with better access to the information disclosed by lobbyists, by ensuring that search results are more relevant, and that the presentation of these results is more informative and easier to understand. These changes to how information is extracted from the Registry and displayed for users are the most important improvements to the usability of the Registry since 2008.

Details on improvements to the search function

A key improvement to the search function of the Registry is that users can now simultaneously search both registration information, and information contained in monthly communication reports when using both the 12 Month Lobbying Activity Search or the Advanced Registry Search. Previously, two separate searches were required to extract such information from the Registry. The results are now displayed in a user friendly way and users can refine their search results by: document type (registration or monthly communication report); registration status (active or inactive); subject matter or government institution lobbied.

The basic search has been replaced by a 12 Month Lobbying Activity Search, where users can perform a simple search to find a summary of lobbying activity over the preceding year. Figure 2 shows a 12 month summary of a (fictitious) consultant lobbyist's activities. As shown, users can now find information disclosed in registrations and monthly communication reports on one page. The information provided in the 12 month summary view has been reorganized to reflect the feedback from consultations with public office holders and the media, to ensure that key information is displayed more prominently.

FIGURE 2: EXAMPLE OF A 12-MONTH LOBBYING SUMMARY

Users can employ the Advanced Registry Search to find information on lobbying activities from 1996 to the present. The advanced feature allows them to search virtually any data field contained in registrations and/or monthly communication reports. Users can build complex queries and drill down in the results to best suit their needs. Help tools have also been developed to facilitate the use of the new search features. The 12 Month Lobbying Activity Search help tool is presented in Annex E of this report, and my website provides the more detailed help tool for the Advanced Registry Search.

Users can search information in the Registry alphabetically, using a new tool that generates alphabetic listings of registrants and lobbyists, organizations, corporations, and clients of lobbyists, as well as those benefiting from lobbying activities. They can also generate an alphabetic listing of designated public office holders who have been identified in monthly communication reports.

Reporting Tools

In addition to displaying individual registrations the system can produce standard statistical reports on demand. This year, my Office improved the statistical reports available to users. In the past, reporting tools were limited to information contained in registrations. Users can now generate reports on demand based on both the information provided in registrations and the information provided in monthly communication reports.

Reports available now include:

- the number of active lobbyists and registrations by type;
- the subject matters in active registrations;
- the federal government institutions in active registrations;
- the number of monthly communication reports by reporting period;
- the subject matters in monthly communication reports; and
- the federal government institutions in monthly communication reports.

Users can view or generate real time reports related to registrations and monthly communication reports, as well as view historical information and perform trend analysis. All reports can be exported to CSV/Text files, which facilitate data analysis by users who wish to further manipulate them.

Users can view a list of recent registrations, which shows all new, updated and reactivated registrations filed by lobbyists in the last 30 days. They can also view recent monthly communication reports, which shows all the recent communication reports filed by lobbyists in the last 30 days.

Registry Dataset Download

There are a growing number of users who wish to access Registry information in alternative formats with a view to analyzing the data using third party software. As of February 2013, users can now download a data extract of the Registry's database from my website. Between February 20, 2013, when it was first made available, and March 31, 2013 the dataset was downloaded 34 times. The dataset is updated every month.

AUDIT OF THE LOBBYISTS REGISTRATION SYSTEM

In 2012 13, an internal audit of the Lobbyists Registration System was conducted to examine the management controls and practices of the system. The scope of the audit covered a range of activities, including governance of the system, the registration and reporting processes, employee training and IT security.

The audit concluded that appropriate measures were in place to support the Lobbyists Registration System, whether to accurately capture the information provided by lobbyists or to process it in a timely and reliable manner. Opportunities for improvements were found in the management of IT services in support of the Registry, and this will be my focus in 2013 14. Moreover, all system documentation will be reviewed and updated, and a process will be established to ensure the documentation remains current in the future.

MAINTAINING HIGH STANDARDS FOR CLIENT SERVICE

My Office strives to meet high service standards. These standards ensure that lobbyists can comply with the Act, and that I can maintain a user focused and efficient registration process.

According to these service standards, my staff endeavour to:

- activate user accounts within 24 hours upon receipt of a completed Registrant User Agreement;
- approve or provide feedback on registrations within three business days;
- answer telephone calls received during business hours within 30 seconds, 80% of the time;
- respond to phone messages within 24 hours;
- acknowledge receipt of e mail inquiries within 24 hours; and
- respond to less complex e mail inquiries within two business days, and to more complex questions, within 14 calendar days.

I am pleased to state that again this year, we processed 100% of registrations within our three business day service standard. This enhances transparency by ensuring that information disclosed by lobbyists is available to the public in a timely manner.

REACHING OUT TO BUILD AWARENESS

The *Lobbying Act* (the Act) provides the Commissioner of Lobbying with a mandate to foster public awareness of the requirements of the Act. To that end, educational programs have been developed to reach out to lobbyists, their clients and public office holders.

IMPROVING COMPLIANCE THROUGH EDUCATION AND AWARENESS

I believe that informing stakeholders about the objectives and requirements of the Act leads to better compliance. In 2012-13, my staff and I met with more than 900 individuals, including lobbyists, public office holders, parliamentarians and their staff, and academics from various post secondary institutions across Canada. I also appeared twice before the House of Commons Standing Committee on Access to Information, Privacy and Ethics.

COMMUNICATING WITH LOBBYISTS

Significant effort and resources are devoted each year to inform and educate lobbyists about the requirements of both the Act and the *Lobbyists' Code of Conduct* (the Code).

This year, my outreach efforts were targeted at lobbyists to foster an in depth understanding of the legal requirements under the Act and their responsibility to adhere to ethical standards under the Code, when lobbying. These sessions provided individuals and groups of lobbyists with opportunities to raise issues of concern, and helped me identify areas where further clarification and information is required to facilitate registration and ensure compliance with the Act and the Code.

I pride myself on the personalized advice and service that my staff provides to registrants. To achieve this, each registrant is assigned a Registration Advisor. This year, my Office adopted the practice of emailing each new consultant lobbyist to introduce them to their assigned Registration Advisor. The email also reminds them of the registration and reporting deadlines, and offers assistance and guidance either by phone, in person meetings, or webinars. In 2013-14, this approach will be extended for new corporate and organizational registrants.

Electronic mail-outs are a cost-effective approach to communicate key information to registrants. This year, registrants were provided with information via email about the status of the legislative review of the Act. They were also advised about Reports on Investigation tabled in Parliament, and were alerted to the improvements made to the Registry's search and reporting tools. Communicating by email with registrants allows me to provide guidance in a timely fashion and raise awareness about specific aspects of the lobbying regime, with a view to ensuring compliance.

Communications with potential registrants

Advisory letters are sent to individuals who appear to be engaging in lobbying activities but who are not registered. This year, 113 corporations and organizations were subject to compliance verification after my Office's monitoring activities revealed that they might be lobbying federal public office holders. My Office confirmed that approximately 90 percent of the recipients were registered as required by the Act. Following further analysis, seven advisory letters were sent to educate and assist potential registrants in determining if they needed to register. One new registration was submitted as a result of these advisory letters. Two recipients responded that they

did not meet the 'significant part of duties' threshold for registration set out in the Act, two responded that they were not performing registrable lobbying activity, and one recipient responded that they employed no paid staff, and therefore were not required to register. The remaining recipient had not replied as of March 31, 2013.

EDUCATING PUBLIC OFFICE HOLDERS

Federal public office holders are the objects of lobbying activities. Therefore, whether they are elected or appointed, they are well situated to make an important contribution to the level of understanding of the Act and the Code. When public office holders understand the requirements of the Act and Code, they are more likely to recognize the legitimacy of lobbying activities and contribute to compliance.

I regularly meet with senior federal officials and management teams in departments and agencies. These sessions provide effective fora for: sharing information relating to lobbying activities; determining future outreach and information needs; and discussing specific requirements of the Act, including the application of the five-year prohibition on lobbying to former designated public office holders. This year, my team and I provided educational sessions to representatives from a range of federal institutions including:

- Aboriginal Affairs and Northern Development Canada;
- Agriculture and Agri-Food Canada;
- Canadian Heritage;
- Citizenship and Immigration Canada;
- Public Works and Government Services Canada;
- Shared Services Canada;
- the Treasury Board Secretariat; and
- Western Economic Diversification Canada.

I conducted a series of meetings with many of the deputy ministers of the 20 most-lobbied government institutions, including:

- Finance Canada;
- Foreign Affairs and International Trade Canada;
- Human Resources and Skills Development Canada;
- Industry Canada;
- the Privy Council Office;
- Public Works and Government Services Canada; and
- Western Economic Diversification Canada.

Additional meetings with the deputy heads of several other government institutions are scheduled for 2013-14.

This year, my staff gave presentations about the Act to the Community of Federal Regulators and the Stakeholder Relations and Public Engagement Community of Practice, two important groups who regularly consult with external stakeholders and who may be lobbied on occasion. I gave a presentation to the Chiefs of Staff of Ministers, which led to follow-up meetings with Ministers' Offices in several departments. I met with the President of the Canada School of Public Service (CSPS) to continue a dialogue about how we can assist the School to improve its curriculum for public office holders, as it relates to the Act. Members of my staff served as guest speakers for eight sessions of the course "How Ottawa Works." Lastly, I was invited to take part in the CSPS 2013 Career Bootcamp and to talk about lobbying with new public servants.

Educating current and former designated public office holders

Increasingly, current and former designated public office holders who are subject to the Act's five-year prohibition on lobbying are seeking advice and guidance from my Office. This year, we provided advice about the five-year prohibition to a number of individuals, many of whom were considering offers of employment in the private sector.

ASSISTING PARLIAMENTARIANS

As an independent Agent of Parliament, I report directly to both Houses of Parliament. I appear primarily before the House of Commons Standing Committee on Access to Information, Privacy and Ethics to report on my activities in administering the Act and the Code. My objective is to provide all necessary information to help parliamentarians understand how I deliver on the various elements of my mandate and allow them to effectively perform their oversight role.

I appeared before the Committee in May 2012 to discuss the Main Estimates, highlight accomplishments of my Office, and outline my priorities for 2012-13. I also appeared before the Committee in March 2013 in the context of their statutory review of the *Conflict of Interest Act*. In my remarks, I highlighted the importance of both the *Conflict of Interest Act* and the *Lobbying Act* in ensuring transparency and the confidence of Canadians in the integrity of government decision making.

CONNECTING WITH COUNTERPARTS

The community that works to ensure that lobbying is conducted in an ethical and transparent manner is relatively small. For example, in Canada I have counterparts in British Columbia, Alberta, Manitoba, Ontario, Quebec, Nova Scotia, and Newfoundland and Labrador. At the municipal level, there are lobbyist registries in the cities of Toronto and Ottawa. All municipalities in Quebec and the City of St. John's in Newfoundland and Labrador are covered by their respective provincial legislation. It is critical for me to maintain a close connection with a network of municipal, provincial and international counterparts in order to share experiences and discuss issues related to the administration of our respective lobbying regimes.

Meetings of the Lobbyists Registrars and Commissioners Network provide a regular venue for my provincial and municipal counterparts and I to discuss ways to address existing and emerging challenges in various lobbying jurisdictions. The network met twice this year, in September 2012 and in February 2013.

During these meetings, my colleagues and I shared views on the previous year's activities. We also discussed how lobbyist registries and codes of conduct contribute to public trust in the integrity of government decision making, how lobbying regulators can measure their performance, and how best to undertake and benefit from consultations with stakeholders.

The Canadian federal model continues to be recognized internationally and I am regularly solicited to share my experience in administering our regime. For example, I was contacted by the Government of

Ireland and the information I provided helped inform a policy paper published by the Irish Government. A Member of Parliament from New Zealand who wished to introduce a bill in that country that would establish a lobbying disclosure regime also consulted my Office. The United Kingdom Cabinet Office consulted me in the context of their introduction of a statutory registry of lobbyists in that country. Finally, my staff met with a visiting delegation of Israeli officials from the Knesset, the Israeli Parliament, to answer questions about the Canadian lobbying regime.

In November 2012, on the invitation of the Organisation for Economic Co-operation and Development (OECD), I participated in a panel at the 15th Annual Anti-Corruption Conference in Brazil. The panel was entitled: "Bringing Closed-Door Dealings to Light: How Transparency Can Change Lobbying Practices." I presented the Canadian perspective and shared my experience with respect to the federal lobbying legislation.

In December 2012, I attended the annual Conference of the Council on Governmental Ethics Laws in Columbus, Ohio, where I participated on a Canada/US panel to provide an update on developments in the Canadian federal lobbying regime.

REACHING OUT TO CANADIANS THROUGH THE WEBSITE

My website is a cost-effective tool to disseminate a broad range of information to lobbyists, public office holders, parliamentarians, media and the general public. This year, the website received nearly 98,000 visits, resulting in almost 325,000 page views.

The educational material posted on my Office's website includes:

- multimedia tutorials on the registration process;
- Guide to Registration;
- interpretation bulletins and advisory opinions explaining important requirements of the Act;
- guidance on the application of the Code; and
- a primer document, entitled, "Ten Things You Need to Know about Lobbying."

This year, work on the website was focused on raising the profile of the search and reporting tools of the Registry, to ensure that visitors can find them easily. Efforts were dedicated to developing tools, such as help guides, to assist users in searching the Registry.

ENSURING COMPLIANCE WITH THE ACT AND THE CODE

I believe that knowledge and understanding of the *Lobbying Act* (the Act) and the *Lobbyists' Code of Conduct* (the Code), supported by an effective education and outreach program, are key to fostering greater compliance. However, in order to be effective at deterring non-compliance with the requirements of the Act, my efforts to educate must be complemented by a program of monitoring and enforcement. It is therefore important that there be consequences for those who are found to be in breach of either the Act or the Code.

My compliance program is focused on three main activities: reviews and investigation of alleged breaches of the Act or the Code; verification of data submitted by lobbyists in monthly communication reports; and the review of applications for exemption from the five year post employment prohibition on lobbying for former designated public office holders.

LOOKING INTO ALLEGED BREACHES

The legislation provides me with the authority to look into alleged breaches of the Act or the Code. I take all allegations seriously, and assess each one on its own merit before I decide on an appropriate course of action.

Alleged breaches can be identified either through my own observations or brought to my attention through complaints. I may look into alleged breaches based on information published in the media and other public sources of information, or through the monitoring of information submitted to the Registry of Lobbyists (the Registry). Complaints and external allegations come from a variety of sources, including employees of government departments, parliamentarians and private citizens. Evidence of a breach may also be brought to my attention through voluntary disclosures by lobbyists.

Allegations usually relate to breaches of the Act and concern individuals, corporations or organizations that may be conducting lobbying activities without being registered.

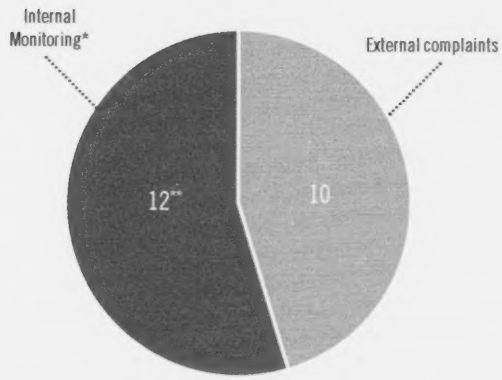
Compliance Assessments

My Office conducts periodic reviews of registrations and monthly communication reports submitted by individuals who have previously been under review by my Office for alleged breaches of the Act. The purpose of these assessments is to determine whether their compliance record is improving. Generally, these breaches relate to minor incidents of non-compliance such as failing to file a return within the prescribed time period.

This year, 82 such compliance assessments were conducted, which led me to initiate one administrative review. The review related to a lobbyist who had failed to file monthly communication reports within the prescribed time limits.

The chart below presents, by source, the number of alleged breaches of the Act and the Code that came to my attention in 2012-13.

FIGURE 3: BREAKDOWN OF ALLEGATIONS, BY SOURCE



* Internal monitoring includes: the Registry, media monitoring, compliance assesments and communication verification
**In 2012-13, two internally generated files were the subject of subsequent complaints.

CONDUCTING ADMINISTRATIVE REVIEWS

The Process

Prior to opening an investigation, I will usually initiate an administrative review when I become aware of an alleged breach of the Act or the Code. This year, I initiated 22 administrative reviews.

An administrative review is a fact-finding exercise that results in an Administrative Review Report. These reports inform my decision regarding whether to open an investigation under section 10.4 of the Act. They provide me with a well-documented and extensive assessment of the allegations to ensure that I have the necessary information to make a decision. It is important that these reports are thorough and detailed, as any decision I base on them may be subject to a judicial review in the Federal Court.

For reasons of procedural fairness and natural justice, compliance measures must be applied in a fair and consistent manner. I base my decisions on factors outlined in a document entitled *Guiding Principles and Criteria for Recommending Compliance Measures*. The document, available on my website, highlights the importance of factors such as:

- the nature and gravity of the alleged transgression;
- the degree of injury (transparency, public confidence and trust);
- the length of time that has elapsed since the act or omission was committed;
- the degree of negligence or intent;
- whether the act or omission was voluntarily disclosed by the subject; and
- the subject's compliance history.

Outcomes of administrative reviews

There are four possible outcomes following an administrative review.

1. **The review is closed because the allegation was unfounded.** Reasons why allegations are unfounded include: the subject did not communicate in respect of a registrable subject; their activity was not undertaken for payment; or, the 'significant part of duties' threshold for registration was not met by the corporation or organization. In such cases, I will advise the individual/organization/corporation and the complainant of my decision by letter.

CASE STUDY #1: ALLEGATION UNFOUNDED

In July 2012, I initiated an administrative review of allegations that a breach of the Act and the Code had occurred as a consequence of an event held to raise funds for a Member of Parliament.

In this case, a fundraising event was alleged to have been organized and attended by individuals associated with a company involved in a competitive process to obtain a radio broadcast licence from the Canadian Radio television and Telecommunications Commission. The company was not registered as employing in house corporation lobbyists, but had engaged the services of consultant lobbyists who had registered their respective undertakings.

The objective of the administrative review was to determine:

1. Whether the company involved in the competitive process employed one or more individuals whose duties required registration under the Act; and if so
2. Whether employees of the company were in breach of Rule 8 (Improper influence) of the Code as a consequence of their alleged involvement in the fundraising activity, by placing a public office holder in a real or apparent conflict of interest. A lobbyist is in breach of Rule 8 of the Code if they propose or undertake an activity that places a public office holder in a real or an apparent conflict of interest.
3. Whether the registered consultant lobbyists engaged by the company were also involved in the fundraising event; and if so, whether their participation had placed a public office holder in a real or apparent conflict of interest.

The review involved a verification of information in the Registry, research of information about the process of granting a radio broadcast licence, and interviews with the Member of Parliament, members of his electoral district association, employees of the company, and registered consultant lobbyists. Based on information provided to me in an Administrative Review Report prepared by my Office, I determined that the company was not required to register in-house lobbying activity. Representations in respect of the granting of a radio licence are not among the registrable communications listed in paragraph 7(1)(a) of the Act. Employees of the company were therefore not subject to the Principles and Rules set out in the Lobbyists' Code of Conduct. As for the registered consultant lobbyists, I found no basis to conclude that they were in breach of Rule 8 of the Code, as there was no evidence they were involved in or aware of the fundraising event. The allegations were deemed to be unfounded and the administrative review was closed.

2. **The review is closed even though the allegation is well-founded.** In cases where I consider the gravity of the transgression to be low, I may choose to employ alternative compliance measures that I consider better suited to ensuring compliance with the Act. These measures would include, for instance, educating the person about the requirements of the Act or requesting that a correction be made to the Registry. In my view, such files do not warrant a referral to the RCMP or a formal investigation under the Act. However, once an administrative review is closed, these individuals are subject to further monitoring by my Office to ensure that they remain in compliance.

CASE STUDY #2: ALLEGATION WELL-FOUNDED LOBBYIST SUBJECT TO ALTERNATIVE COMPLIANCE MEASURES

In March 2012, I initiated an administrative review after the representative of a registered corporation contacted my Office to voluntarily disclose that they had failed to submit a number of monthly communication reports within the timelines prescribed in the Act. Lobbyists must file a communication report in the Registry not later than 15 days after the end of every month that a prescribed communication with a designated public office holder took place. In this case, the corporation's registration had been automatically terminated by the Lobbyists Registration System after a period of inactivity.

The objective of the administrative review was to determine whether the corporation had failed to meet its reporting obligations under the Act. The review also sought to determine the reasons why the corporation had failed to disclose its communications in a timely manner.

The administrative review involved research about the corporation, an analysis of its registration history and correspondence between the company and my Office. Based on information provided to me in an Administrative Review Report prepared by my Office, I determined that the allegation was well founded. I elected not to initiate a formal investigation under the Act, deciding instead to educate the registrant about the requirements of the Act. My decision was made for the following reasons:

- the non compliance was disclosed voluntarily by the registrant;
- the corporation had undergone a change in staff during the period in question; and
- the corporation provided written assurances that it had implemented measures to ensure future compliance.

The President and Chief Executive Officer of the corporation was advised in writing of my findings and warned that any future non compliance would be dealt with using other measures as outlined in the Act. The corporation is now subject to monitoring by my Office.

3. **A formal investigation is initiated when I determine that an alleged breach is serious and appears to be well-founded.** The Act prescribes that I shall initiate an investigation if I have 'reason to believe' that an investigation is necessary to ensure compliance with the Act or the Code. In some instances, I may initiate more than one investigation based on information provided to me in a single Administrative Review Report.

CASE STUDY #3: ALLEGATION WELL-FOUNDED INVESTIGATION COMMENCED

In March 2013, I opened a formal investigation in accordance with subsection 10.4(1) of the Act based on information presented to me in an Administrative Review Report prepared by my Office. The administrative review was initiated after receiving disclosures from a federal government institution involved in the awarding of grants and contributions.

The government institution advised my Office that an individual had failed to register consultant lobbying activity related to applications for government funding prepared and presented on behalf of four different clients. According to the public office holders involved in the application process, after repeated warnings that the individual's activities required registration as a lobbyist, the individual had neglected to properly report all of his activities.

The administrative review involved interviews with public office holders from the federal institution and clients of the consultant, as well as analysis of contracts, invoices, payments, correspondence and electronic calendars relating to the various undertakings. Based on information provided to me in the Administrative Review Report prepared by my Office, I opened an investigation, as I had reason to believe that one was necessary to ensure compliance with the Act.

During the course of my investigation, I determined that there were reasonable grounds to believe that the individual, for payment and on behalf of various clients, had communicated with federal public office holders in respect of the awarding of a grant, contribution or other financial benefit. As failing to register a consultant lobbyist undertaking is an offence under the Act, I subsequently suspended my investigation and referred the matter to the RCMP. As of March 31, 2013, the case was still with the RCMP.

4. **The matter is referred to a peace officer, the RCMP, if I have 'reasonable grounds to believe' that an offence has been committed under the Act, or any other Act of Parliament or of the legislature of a province.** In such cases, the Act prescribes that I suspend looking into a matter until it has been finally disposed of by the RCMP or the courts.

CASE STUDY #4: REASONABLE GROUNDS TO BELIEVE AN OFFENCE HAS OCCURRED THE INVESTIGATION IS SUSPENDED AND THE MATTER IS REFERRED TO THE RCMP

In February 2011, an administrative review was initiated after a representative of a not-for-profit organization contacted my Office and disclosed that an individual retained to communicate with federal public office holders on its behalf had not registered the undertaking. The client provided copies of the contract for services, invoices, proof of payment and correspondence with the consultant. The objective of the review was to determine whether the individual, for payment and on behalf of the client, had undertaken to communicate or arrange meetings with federal public office holders. An individual who is paid and undertakes to engage in consultant lobbying activities, by agreeing to communicate or arrange a meeting on behalf of a client is required to file a return in the Registry. This must be done not later than 10 days after entering into the undertaking.

I opened an investigation in May 2011 as I had reason to believe one was necessary to ensure compliance.

Failure to file a return as required under the Act is an offence under the Act. Based on information provided to me in an Investigation Report prepared by my Office, I determined that there were reasonable grounds to believe that this individual had committed an offence under the Act. I therefore suspended my investigation and referred the matter to the RCMP. On January 29, 2013, the RCMP charged the subject with an offence for failing to file a consultant lobbyist registration as required under subsection 5(1) of the Act. As of March 31, 2013, this matter was before the courts.

It should be noted that the length of time required to complete an administrative review or an investigation will vary in each case, depending on various factors, such as the complexity of the file and the availability of witnesses or evidence. In addition, when a file is referred to the RCMP, I am no longer in control of the length of time it takes to complete that file.

The Act provides me with some degree of discretion. I may, for instance, refuse to look into a matter or cease looking into a matter if in my opinion: it could more appropriately be dealt with under another Act of Parliament; the matter is not sufficiently serious or important; dealing with the matter would serve no useful purpose because of the length of time that has elapsed since the matter arose; or for any other valid reason. More detail regarding the factors I consider when applying this discretion is provided in my *Guiding Principles and Criteria for Recommending Compliance Measures*, available on my website.

The table below provides information about the 27 administrative reviews closed in 2012-13.

TABLE 3: ADMINISTRATIVE REVIEWS CLOSED IN 2012-13, BY REASON

OUTCOME	NUMBER OF ADMINISTRATIVE REVIEWS CLOSED
Unfounded – Not a registrable communication	6
Unfounded – Not for payment	1
Unfounded – Not a significant part of duties	2
Unfounded – No breach of the Code	3
UNFOUNDED – SUBTOTAL	**12**
Well-founded – Subject to education and further monitoring	7
Well-founded – Investigation commenced*	3
WELL-FOUNDED – SUBTOTAL	**10**
Ceased – No basis to continue for various reasons: insufficient information provided; availability of evidence given time elapsed, similar subject matter dealt with in previous Reports on Investigation.	5
CEASED – SUBTOTAL	**5**
TOTAL NUMBER OF ADMINISTRATIVE REVIEWS CLOSED IN 2012-2013	**27**

*One file was referred to the RCMP as I had reasonable grounds to believe that an offence had been committed under the Act.

CONDUCTING INVESTIGATIONS

As required by the Act, I will initiate an investigation if I have 'reason to believe' an investigation is necessary to ensure compliance with the Act or the Code. In most cases, an investigation is initiated based on information brought to my attention in an Administrative Review Report. In some instances, however, I may determine, based on the available evidence, that an investigation is necessary even before initiating or completing an administrative review.

During, or upon completion of an investigation, I may decide that I have 'reasonable grounds to believe' that an offence has been committed under the Act. If so, the Act requires that I immediately suspend the investigation and advise a peace officer having jurisdiction to investigate the offence (i.e., the RCMP). The RCMP will inform me if they decide not to proceed with the matter. I subsequently determine whether I have sufficient grounds to continue with a Code investigation.

This year, I initiated three investigations and I closed six.

TABLE 4: INVESTIGATION CASELOAD FOR 2012-13

INVESTIGATION CASELOAD FOR 2012-13	
Investigation caseload on April 1, 2012	8
Investigations initiated during 2012–13	3
Investigations closed: Reports to Parliament	7
Investigations closed: Ceased	4
Investigation caseload on March 31, 2013	5*

*Three files were with the RCMP as of March 31, 2013.

As of March 31, 2013, five investigations remained in my Office's caseload. The subjects of these investigations are alleged to have breached the Principle of Professionalism or Rules promoting transparency in the Code by: failing to properly register, or lobbying while subject to the five-year prohibition. The investigations were initiated after receiving disclosures or complaints from the general public or from public office holders, or based on information that came to my attention through media monitoring.

The Act provides me with the authority to cease an investigation for one or more reasons outlined in subsection 10.4(1.1) of the Act. In 2012–13, I ceased four investigations based on additional information the subjects provided me after they had an opportunity to review the Investigation Report. After considering the reports prepared by my Office and the views presented by the subjects, I decided not to present my findings and conclusions in Reports on Investigation that are submitted for tabling in Parliament. My decision was made in the interest of fairness to the subjects, due to the unusual and unprecedented nature of the subject matter.

REFERRING FILES TO A PEACE OFFICER

The Act requires that I suspend my investigation and immediately advise a peace officer whenever I have reasonable grounds to believe that an offence has been committed under the Act. In 2012–13, I suspended three investigations and referred the matters to the RCMP. On January 29, 2013, the RCMP charged one subject with an offence for failing to file a consultant lobbyist registration as required under subsection 5(1) of the Act. As of March 31, 2013, the matter remains before the Courts.

REPORTING TO PARLIAMENT

The Act requires that, after conducting an investigation into an alleged breach of the Code, I must prepare a Report on Investigation, including my findings, conclusions and reasons for those conclusions, and submit it for tabling in both Houses of Parliament.

When investigating an alleged breach of the Code, I am in effect performing the function of an administrative tribunal. The Act states that "for the purpose of conducting the investigation, the Commissioner may [proceed] in the same manner and to the same extent as a superior court of record." I am, therefore, obligated to apply recognized standards of procedural fairness and natural justice. To that end, the Act requires that, before submitting a Report on Investigation to Parliament, I must provide the subject under investigation with an opportunity to present his or her views. My practice is to share a copy of my Office's Investigation Report with the subject, requesting that he or she respond within 30 days. Extensions to that period have been granted upon request.

My Reports on Investigation take into account the Investigation Report that was provided to me by my Office, as well as any views presented by the subject. In 2012-13, four Investigation Reports were submitted to individuals to provide them with an opportunity to present their views.

Reports on Investigation tabled in Parliament in 2012-13

Breaches of the Code do not carry penalties in terms of fines or jail terms. My conclusions regarding breaches of the Code are made public when Reports on Investigation are tabled in Parliament. These Reports serve as a specific deterrent for the individuals in question and as a general deterrent for all lobbyists. In my view, making reports public by tabling them in Parliament improves compliance by reminding lobbyists of the consequences of failing to conform to the lobbyist registration regime, including the impact on their credibility and reputation, and their ability to attract or retain clients.

THE LOBBYING ACTIVITIES OF KEITH BEARDSLEY (JUNE 2012)

It was alleged that Mr. Keith Beardsley, a consultant associated with True North Public Affairs, attempted to arrange a meeting on behalf of a client while subject to the five-year prohibition on lobbying contained in section 10.11 of the Act.

In November 2009, I initiated an administrative review. In May 2010, based on information provided to me in the Administrative Review Report, I opened an investigation. The investigation was immediately suspended and the matter referred to the RCMP, as I had reasonable grounds to believe that an offence under the Act had occurred.

The RCMP found that there were insufficient grounds to proceed with charges under the Act and notified me by letter in December 2010. For my part, I decided I had sufficient grounds to continue with a *Lobbyists' Code of Conduct* investigation.

I concluded that Mr. Beardsley was in breach of the *Lobbyists' Code of Conduct*, specifically the Principle of Professionalism, for undertaking registrable activities while prohibited from lobbying.

My Report on Investigation was tabled in Parliament in June 2012. It is available on my website.

THE LOBBYING ACTIVITIES OF JULIE COUILLARD (OCTOBER 2012)

In June 2008, it was alleged in media reports that Ms. Julie Couillard had tried to influence federal public office holders regarding the awarding of a large-scale contract. That same month, the former Registrar of Lobbyists commenced an administrative review into the activities of Ms. Couillard. Following my appointment as Interim Commissioner of Lobbying in July 2008, I decided to continue the administrative review to determine whether Ms. Couillard had performed activities which required registration as a lobbyist.

In August 2008, I determined that the RCMP was looking into the allegations against Ms. Couillard. As required by the Act, I suspended looking into the matter until further notice. In October 2010, the RCMP advised me that no charges would be laid against Ms. Couillard under the Act.

I determined that I had sufficient grounds to continue looking into the matter of Ms. Couillard's lobbying activities. In my Report, I concluded that Ms. Couillard had communicated with a federal public office holder, for payment and on behalf of her client, in respect of the awarding of a contract. I also concluded that, by failing to register these communications, Ms. Couillard was in breach of the *Lobbyists' Code of Conduct*, specifically the Principle of Professionalism, Rule 2 (Accurate information) and Rule 3 (Disclosure of obligations).

My Report on Investigation was tabled in Parliament in October 2012. It is available on my website.

MANAGING AND REPORTING ON THE CASELOAD

I take all breaches of the Act and the Code seriously, and my Office looks into all allegations that are brought to my attention. Since the coming into force of the *Lobbying Act* in 2008, my Office has carried an average inventory of 50–60 files, including exemption reviews, administrative reviews and investigations. Each year, approximately 25–30 new files are initiated. The files range in age (date of alleged occurrence) and complexity (effort required to complete). The gravity of the allegations also varies.

A system of file prioritization was developed this year to assist my Office in determining the priority level of each case. To facilitate planning, the system will be used to establish timelines for file completion. This system will involve a continuous assessment and reassessment of files in the caseload, taking into consideration various factors, such as the nature and gravity of each alleged transgression. My Office will then determine the level of priority for each file. Other factors, such as the nature of the transgression or the availability of evidence, will be used to establish the timeline for completion of each file.

Since the coming into force of the Act on July 2, 2008, 101 administrative reviews were opened, and 105 were closed. All but three of the 40 administrative files inherited from my predecessor, the Registrar of Lobbyists, have now been completed. In terms of investigations, since becoming Commissioner I have initiated 17 investigations, tabled 10 Reports on Investigation, and ceased eight. All six of the investigations inherited from my predecessor, the Registrar of Lobbyists, have been completed.

The following graph shows the number of administrative review and investigation files initiated and closed since the creation of the Office of the Commissioner of Lobbying in July 2008. It also shows the overall caseload that my Office carried at year end for each fiscal year since 2008–09. As demonstrated below, my Office is working to keep pace with the emerging caseload, while reducing the inventory of files carried over from previous years. Information on all files closed is made available on my website.

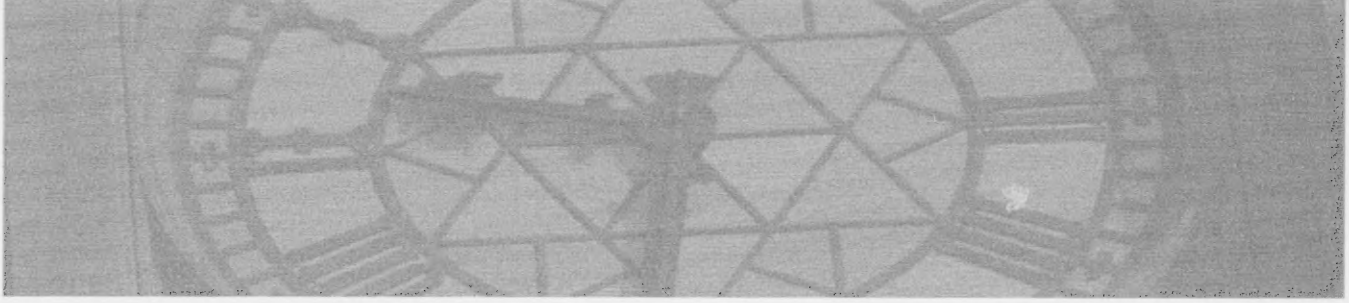
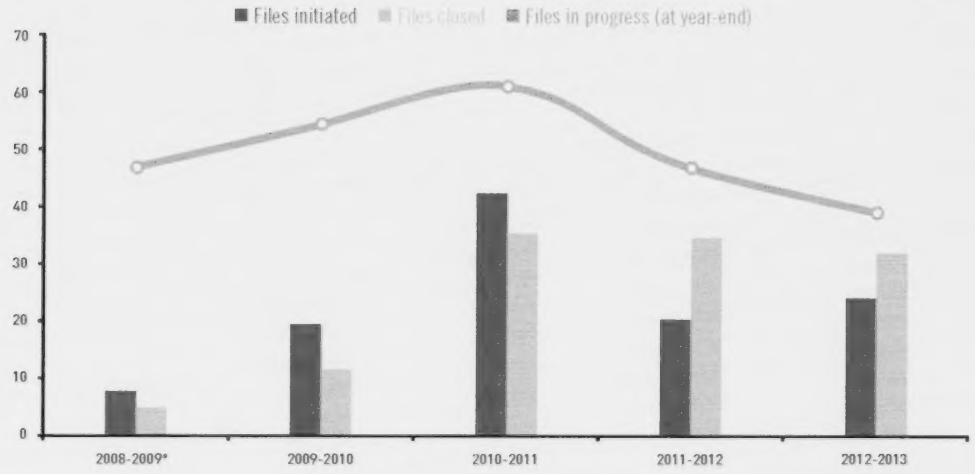


FIGURE 4: OCL CASELOAD (ADMINISTRATIVE REVIEWS AND INVESTIGATIONS): JULY 2, 2008 – MARCH 31, 2013, BY FISCAL YEAR



*The Office of the Commissioner of Lobbying was created on July 2, 2008 and the Commissioner inherited a caseload of 46 files.

VERIFYING THE ACCURACY OF MONTHLY COMMUNICATION REPORTS

The Act requires registered lobbyists to disclose, on a monthly basis, 'oral and arranged' communications about registrable subject matters with DPOHs. These reports include information about the date and topic of discussion, as well as the name and title of the DPOH with whom the communication took place. Every month, my Office verifies the accuracy of a sample of approximately five percent of all monthly communication reports submitted by lobbyists for the previous month by requesting written validation from the relevant DPOH.

In 2012-13, 99 letters were sent to DPOHs, asking them to verify 506 reports submitted by registrants. For the vast majority of those communications verified, DPOHs contacted indicated that the information submitted by lobbyists was correct. Respondents identified a total of 28 errors, the majority of which were of a clerical nature (e.g., names of DPOHs spelled incorrectly) or constituted over reporting (i.e., the individual listed was not a DPOH and therefore reporting of that communication was not required under the Act).[1] My Office followed up with registrants on all errors identified. Further, when noting that public office holders had been identified who were not designatedunder the Act or the *Designated Public Office Holder Regulations*, my Office conducted a search of the

[1]Monthly communication reports submitted during April 2013, reporting oral and arranged communications that took place in March 2013, have not yet been verified. Sampling is done on a monthly basis.

Registry and followed up with other registrants who had listed such individuals in communication reports.

REVIEWING APPLICATIONS FOR EXEMPTIONS FROM THE FIVE-YEAR PROHIBITION ON LOBBYING

The Act prescribes a five-year prohibition on lobbying for former designated public office holders. This prohibition is intended to prevent former high-level federal decision makers from using advantages and personal connections derived from their government positions for lobbying purposes. However, the Act provides me with the authority to exempt individuals from the application of the prohibition, if I am of the opinion that such an exemption would not be contrary to the purposes of the Act.

A process to review applications for exemption was developed and implemented to ensure that I am provided with sufficient information regarding whether to grant an exemption or not. Although it is not prescribed by the Act, I have decided, in the interest of procedural fairness, to provide the applicant with an opportunity to present his or her views on my intent to grant or deny an exemption before I render my final decision.

Since becoming Commissioner, I have granted nine exemptions, of a total of 22 reviews completed. Six applications were withdrawn and three more were deemed ineligible for an exemption because the individuals were either subject to a post-employment prohibition that was not contained in the Act or they had not ceased to be a DPOH at the time of the application.

The Act sets out circumstances or factors that I may consider when determining whether an exemption to the five-year prohibition should be granted, such as:

- the individual was a DPOH for a short period;
- the individual was a DPOH on an acting basis;
- the individual was employed under a program of student employment; or
- the individual had administrative duties only.

In 2012–13, I received nine new applications for exemption from the five year prohibition, more than in any other year since the Act was enacted. Two reviews were ongoing when the fiscal year began. Seven reviews were completed this year and one applicant withdrew their request. I denied three applications because the applicants could not demonstrate that their employment as a DPOH met the criteria for granting exemptions set out in the Act.

Four exemptions were granted in 2012–13. Two were granted to individuals who were employed under a program of student employment and their duties were either administrative in nature or for a short period of time. Another was granted to an individual employed as a Special Assistant in the Prime Minister's Office for a short period of time, and one exemption was granted to an individual whose duties, while a DPOH, were administrative in nature. As required by the Act, all exemptions were made public on my website. As of March 31, 2013, there were three ongoing exemption reviews.

I believe that more applications have been successful in the past year due to increased awareness of the criteria in the Act for granting an exemption. I have received fewer applications from former DPOHs whose duties were such that the granting of an exemption would be inconsistent with the purposes of the Act.

Exemption Review Service Standards

Service standards for selected portions of the exemption review process are available on my website.

This year, all exemption reviews were completed within these established service standards.

COMMISSIONER'S REPORT
THE ACTIVITIES OF FIVE LOBBYISTS RELATING TO A CONFIDENTIAL PARLIAMENTARY REPORT

For the first time, I am using my Annual Report to report on a matter that I have looked into, but not previously reported upon. The matter concerns the disclosure by Russell Ullyatt, an executive assistant to Ms. Kelly Block (MP – Saskatoon – Rosetown – Biggar) of a confidential draft report of the House of Commons Standing Committee on Finance (FINA). The disclosure took place on November 18, 2010. This matter received public attention and was the subject of hearings before the House of Commons Standing Committee on Procedure and House Affairs (PROC) in December 2010 and February 2011. I looked into the matter because the disclosure by Mr. Ullyatt was made to a number of individuals who were registered as lobbyists. As such, their behaviour was subject to the *Lobbyists' Code of Conduct* (the Code).

On December 14, 2010, during my scheduled appearance before the House of Commons Standing Committee on Access to Information, Privacy and Ethics (ETHI), I was asked whether I was looking into the behaviour of the lobbyists who had received the confidential draft report that had been leaked by Mr. Ullyatt and I answered in the affirmative. I considered how best to report my findings and determined that I would do so in my Annual Report, rather than in a Report on Investigation. I made this decision given the importance of the matter and to ensure that lobbyists had information to assist them in complying with the *Lobbyists' Code of Conduct*. This summary concludes my consideration of this matter.

The disclosure

On November 18, 2010, Mr. Ullyatt sent a copy of a confidential draft FINA report to five individuals. I became aware of this matter as a result of media coverage of the alleged release of confidential material. Reports in the media indicated that the recipients of this report were registered as lobbyists. I opened an administrative review in order to determine: the nature of the report that had been distributed; the actions taken by the lobbyists who received the report in question; and whether any of the actions taken by those lobbyists constituted a breach of the *Lobbyists' Code of Conduct*.

My mandate

My mandate under the *Lobbying Act* (the Act) is to conduct an investigation if I have reason to believe that an investigation is necessary to ensure compliance with the Act or the Code. Following an administrative review, I decided to open investigations into the activities of three of the five lobbyists who were sent a copy of the confidential draft FINA report.

The issue of Parliamentary privilege

The circumstances of this case are unusual, as the initial information regarding the disclosure of the confidential report became public in Parliament. The issue of Parliamentary privilege arose following the leak of the confidential draft FINA report. As a result, I believe that it is important to explain that I examined the issue of Parliamentary privilege and that my Office conducted its examination of this matter respecting Parliamentary privilege.

Parliamentary privilege has a lengthy history. It has its origins in Article 9 of the *English Bill of Rights* of 1689:

> That the freedom of speech and debates or proceedings in Parliament, ought not to be impeached or questioned in any court or place out of Parliament.

The nature and extent of this privilege has recently been considered in Canada. In the Ruling on Parliamentary Immunity by Mr. Justice Gomery in the *Commission of Inquiry into the Sponsorship Program and Advertising Activities*, Mr. Justice Gomery decided to uphold the privileges of Parliament and ruled that "... counsel are prohibited from asking ... any question based upon an allegedly contradictory declaration made ... before the Public Accounts Committee of the House of Commons."[2]

In two separate decisions, the Federal Court of Canada has confirmed Parliamentary privilege in the context of both an inquiry under the *Inquiries Act* and with respect to the conduct of investigations by a police force, respectively.[3] The Commissioner of Lobbying operates under the authority of the *Lobbying Act*, fulfilling the mandate set out in that Act, acting as an Agent of Parliament and reporting directly to Parliament. I am thus accountable directly to Parliament, and not to the Government, like a Commission of Inquiry.

After examining this issue and seeking legal advice, the approach that I have taken to Parliamentary privilege is that I am entitled to be aware of information that is in the public domain, but information that is provided before a Parliamentary committee retains its Parliamentary privilege. In other words, this means that I may decide to look into a matter based in part upon information that has become public knowledge in Parliament, but I cannot use information that retains its Parliamentary privilege to reach a conclusion regarding whether there has been a breach of the *Lobbyists' Code of Conduct*. As a result, my administrative reviews and investigations do not rely upon information obtained by a Parliamentary committee. Rather, my Office obtains information regarding any particular matter in the usual manner of an investigation. This includes conducting interviews and analyzing information obtained during the investigation. This is what has occurred in this case.

The facts

Mr. Ullyatt's action of November 18, 2010 – sending a copy of a confidential draft FINA report to five registered lobbyists – quickly became known. The Member of Parliament for whom he worked, Ms. Kelly Block, was promptly informed of the disclosure and she terminated Mr. Ullyatt's employment the following day. On November 22, 2010, Ms. Block apologized to the House of Commons for the release of the draft FINA report, at which point the disclosure became a matter of public record.

The five lobbyists in question were:

- Mr. Clarke Cross;
- Mr. Timothy Egan;
- Mr. Andy Gibbons;
- Ms. Lynne Hamilton; and
- Mr. Howard Mains.

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[2] Ruling on Parliamentary Immunity by Mr. Justice Gomery in the *Commission of Inquiry into the Sponsorship Program and Advertising Activities*, November 22, 2004.

[3] *Gagliano v. Canada (Attorney General (F.C.)* [2005] 3 F.C. 555; *Barbara George v. Attorney General of Canada* 2007 FC 564.

They received the confidential draft FINA report unsolicited from Mr. Ullyatt and each dealt with the disclosure differently. Each of the lobbyists appeared before PROC on December 14, 2010. Subsequently, investigators from my Office interviewed each of the lobbyists and other individuals who had information in order to independently obtain information regarding the circumstances of each case.

Mr. Cross received the confidential draft report, and he stated that he had not distributed the report, and had deleted the report in order to destroy it. However, he did send a summary of a portion of the report to a client, notwithstanding the fact that the draft FINA report was marked "Confidential."

Mr. Egan was sent the confidential draft report by Mr. Ullyatt, but he stated that the copy of the report that had been sent to him had been captured by a spam filter set up by the internet service provider of his employer. As a result, Mr. Egan never actually received the confidential draft report that had been sent to him.

Mr. Gibbons received the confidential draft report. He stated that he had not distributed the report and had deleted the report in order to destroy it. However, he did distribute a paragraph of the report to a client, in his stated belief that it contained only a summary of public testimony given at the Committee, notwithstanding the fact that the draft FINA report was marked "Confidential."

Ms. Hamilton stated that while she had received a copy of the confidential draft report, she had not distributed the report and did not appreciate the confidential nature of the report. My investigation did not find any indication that Ms. Hamilton distributed the report further.

Mr. Mains received the confidential draft report. He stated that he deleted the report in order to destroy it.

Lobbyists' Code of Conduct

In conducting my administrative reviews and investigations in relation to the *Lobbyists' Code of Conduct*, my practice is to analyze the actions of the lobbyists in question with regard to the Principles set out in the Code – Integrity and Honesty, Openness, and Professionalism. In addition, the analysis of the actions of lobbyists must be determined within the framework of the eight Rules set out in the Code that govern the behaviour of lobbyists. In this case, my analysis in each case centered upon the Principles contained in the Code, Rule 4 regarding Confidential Information and Rule 8 regarding Improper Influence.

In conducting administrative reviews and investigations in relation to the *Lobbying Act* and the *Lobbyists' Code of Conduct*, my Office takes into account the nature of the alleged act or omission, and any evidence of negligence or wilful misconduct of the individual in question. My Office conducts an analysis of both elements and recommends appropriate compliance measures that reflect an assessment of the knowledge, fault and intent of the subject. I commence an investigation when I have reason to believe that an investigation is necessary to ensure compliance with the Act or the Code.

During the course of the administrative reviews and investigations in this case, it became clear that Rule 4 of the Code did not adequately address the particular factual circumstances in this case. Rule 4 states:

> 4. Lobbyists shall not divulge confidential information unless they have obtained the informed consent of their client, employer or organization, or disclosure is required by law.

The confidential information that each lobbyist was sent as a result of Mr. Ullyatt's disclosure to them was not the confidential information of their client, employer or organization, but rather confidential information that was the property of Parliament. As a result of this, I formed the view that Rule 4 does not adequately address the situation in this case.

I also considered Rule 8 of the Code. Rule 8 reads:

> 8. Lobbyists shall not place public office holders in a conflict of interest by proposing or undertaking any action that would constitute an improper influence on a public office holder.

Rule 8 of the Code was the subject of a decision made by the Federal Court of Appeal in 2009.[4] I have provided guidance regarding the application of Rule 8, which is available on my website. My guidance to lobbyists provides additional information to enable lobbyists to evaluate their activities and determine whether they may be placing public office holders in a real or apparent conflict of interest.

In all cases, I take the view that lobbyists should conduct themselves in accordance with not only the Rules, but also the Principles set out in the *Lobbyists' Code of Conduct*.

My decision to cease the investigations

Mr. Ullyatt, on his own initiative, decided to distribute the draft report to five individuals, each of whom was a registered lobbyist, despite the fact that the FINA report was clearly marked as "Confidential" because of its origins with the FINA Committee. Those five lobbyists had varying degrees of interaction, both social and professional, with Mr. Ullyatt. However, the common element in each case was the fact that Mr. Ullyatt had discussed his interest in a career change to government relations with each of the five lobbyists, to varying degrees. He received assistance and encouragement from each of them. My Office determined that he had not been offered a position by any of them, despite how Mr. Ullyat may have interpreted their assistance and encouragement. It is my view that he had formed the impression that he was being considered, or might be considered in future, as a potential candidate for a job in the field of government relations. I believe that his interpretation influenced his decision to leak the confidential draft report to these five lobbyists.

This case does not involve political activities. However, I believe that the guidance I have provided to lobbyists regarding the application of Rule 8 of the Code provides a helpful framework for examining the actions of lobbyists in relation to their interactions with public office holders.

[4] *Democracy Watch v. Campbell and the Attorney General of Canada (Office of the Registrar of Lobbyists)*, 2009 FCA 79

I have stated:

> The determination of what constitutes a conflict of interest remains a question of fact in each case. Lobbyists should ensure that their participation in political activities does not cause a tension between the public office holder's duty to serve or protect the public good and his or her private interest or obligation.
>
> — *Commissioner's Advice on the Application of Rule 8 to Lobbyists involved in Political Activities*

And further:

> I have concluded that the risk of creating the appearance of a conflict of interest is proportionate to the degree to which a lobbyist's actions advance the private interest of a public office holder; and the degree to which that lobbyist may interact with the public office holder (or, in the case of a Minister or Minister of State, the department or agency for which they are responsible) as a consequence of their employment or undertaking.
>
> — *Clarification about Political Activities in the Context of Rule 8*

Lobbyists who encourage public office holders in the pursuit of contracts or positions of employment outside of public office are advancing the private interests of those public office holders. As with political activities, the risk of creating the appearance of a conflict of interest is proportionate to the degree to which a lobbyist's actions advance the private interest of a public office holder; and the degree to which that lobbyist may interact with the public office holder as a consequence of their employment or undertaking.

Subsection 10.4(1.1) of the *Lobbying Act* gives me the authority to refuse to conduct, or cease an investigation if the matter could more appropriately be dealt with by other means. I decided to cease my administrative reviews and investigations in the case of each of the five lobbyists. I determined that the scrutiny of this matter before Parliamentary Committees has adequately set out the circumstances of the leak of the draft confidential report that occurred. In addition, I did not find any indication that any of the five lobbyists had solicited the draft confidential report that Mr. Ullyatt leaked to them. Each of the lobbyists in question had a good compliance history with my Office with regard to registration. Finally, as noted above, I determined that, in this case, the current *Lobbyists' Code of Conduct* did not adequately address some of the particular circumstances that occurred and that a Report on Investigation is not appropriate given the unusual and unprecedented nature of the events.

Conclusion

I believe that it is very important to caution lobbyists in light of this case. In particular, I wish to remind lobbyists that they must take care not to create the impression that public office holders with whom they interact professionally may be able to increase their chances of obtaining private sector employment by providing lobbyists with information that they would otherwise not receive. This is also true in situations in which public office holders provide lobbyists with access to designated public office holders that they would otherwise not be able to obtain. Lobbyists should seek to avoid creating the impression that public office holders may be able to advance their own private interests by actions that may be to the detriment of the public interest.

I also wish to take this opportunity to indicate that I have considered the status of the *Lobbyists' Code of Conduct* over the past year. This case has highlighted that there may be areas in which the Code could be improved. Over the upcoming fiscal year, I plan to engage in consultations regarding a review of the Code with interested individuals and organizations.

In summary, I wish to reiterate the following points:

- I respect Parliamentary privilege. I may become aware of information that is in the public domain, with its origins in Parliament. Although I may decide to look into a matter based in part upon information that has become public knowledge in Parliament, I believe that parliamentary privilege extends such that I cannot use such information to determine whether there has been a breach of the *Lobbyists' Code of Conduct*.
- Rule 8 of the Code covers more than the political activities of lobbyists. Its purpose is to ensure that public office holders are not placed into a position of a conflict of interest by the actions of lobbyists.
- Activities such as discussing job opportunities with public office holders and encouraging public office holders in their efforts to obtain contracts or employment outside of their public offices could benefit their private interests and potentially place them into a position of a conflict of interest. For lobbyists who are engaged in lobbying activities involving those public office holders, this could constitute a breach of Rule 8 of the *Lobbyists' Code of Conduct*.

ANNEX A

LIST OF ACRONYMS AND ABBREVIATIONS

Act	*Lobbying Act*
Code	*Lobbyists' Code of Conduct*
CSPS	Canada School of Public Service
DPOH	Designated public office holder
ETHI	House of Commons Standing Committee on Access to Information, Privacy and Ethics
FINA	House of Commons Standing Committee on Finance
LRS	Lobbyists Registration System
Office	Office of the Commissioner of Lobbying
POH	Public office holder
PROC	House of Commons Standing Committee on Procedure and House Affairs
Registry	Registry of Lobbyists
RCMP	Royal Canadian Mounted Police

ANNEX B

ABOUT THE OFFICE

Who we are

The Commissioner of Lobbying is an independent Agent of Parliament, appointed by resolution of both Houses of Parliament under the *Lobbying Act* (the Act) for a term of seven years. The purpose of the Act is to ensure transparency and accountability in the lobbying of public office holders, in order to contribute to confidence in the integrity of government decision-making. The Commissioner administers the Act by:

- maintaining the Registry of Lobbyists, which contains and makes public the registration information disclosed by lobbyists;
- developing and implementing educational programs to foster public awareness of the requirements of the Act; and
- conducting reviews and investigations to ensure compliance with the Act and the *Lobbyists' Code of Conduct* (the Code).

The Commissioner is supported by the Office of the Commissioner of Lobbying, which was established in 2008. The Commissioner reports annually to Parliament on the administration of the Act and the Code and is required to table reports about any investigation conducted in relation to the Code.

Our organization

The Office, when fully staffed, has 28 full time employees and an overall budget of about $4.4 million. It is divided into four groups.

- **The Office of the Commissioner** includes the Commissioner, a Senior Legal Counsel, the Chief Financial Officer, a Senior Advisor, and an Administrative Assistant. The Commissioner has the rank and authority of a Deputy Head of a federal department.

- **The Office of the Deputy Commissioner** is responsible for all corporate services, including: integrated strategic and operational planning; financial and human resource management; information technology; strategic policy; internal and external communications advice; security; facilities management; and workplace safety. The Deputy Commissioner is also responsible for the coordination and delivery of all outreach activities.

- **The Registration and Client Services Directorate** is responsible for developing and maintaining the Lobbyists Registration System (LRS). The LRS allows lobbyists to register their lobbying activities and perform amendments, renewals and terminations of their registrations. This group provides assistance to registrants, public office holders and the general public in using the LRS and in searching the Registry.

- **The Investigations Directorate** is responsible for supporting the Commissioner in her mandate to ensure compliance with the *Lobbying Act* and the *Lobbyists' Code of Conduct*. The directorate monitors lobbying activities, verifies the accuracy of monthly communication reports submitted by lobbyists, and reviews and investigates allegations of non compliance. It also reviews applications for exemptions to the five-year prohibition on lobbying for former designated public office holders.

What we do

MAINTAIN THE REGISTRY

The Office works to ensure that the Lobbyists Registration System is an easy to use tool for lobbyists to register their lobbying activities. To this end, the system is refined on an ongoing basis. In addition, systems and processes are in place to ensure that interruptions and downtime are kept to a minimum. This allows Canadians access to the Registry 24 hours a day, seven days a week.

DELIVER EDUCATION AND AWARENESS PROGRAMS

The Office undertakes a range of activities to ensure that public office holders, lobbyists, their clients and Canadians are aware of the requirements of the Act. Our efforts are focused on key activities to reach stakeholders in the most cost-effective way possible.

CONDUCT REVIEWS AND INVESTIGATIONS

The Office strives to ensure that all lobbyists are compliant with the *Lobbying Act* and the *Lobbyists' Code of Conduct*. Administrative reviews and investigations are conducted to examine every alleged breach of the Act or the Code. Rigorous monitoring and verification processes also contribute to compliance.

ANNEX C

PURPOSE AND DESCRIPTION OF THE *LOBBYING ACT*

The *Lobbying Act* (the Act) provides for the public registration of individuals who are paid to communicate with public office holders (POHs) with regard to certain topics as prescribed in the legislation. Public office holders are defined in the Act as virtually all persons occupying an elected or appointed position in the Government of Canada, including members of the House of Commons and the Senate and their staff, as well as officers and employees of federal departments and agencies, members of the Canadian Forces and members of the Royal Canadian Mounted Police.

The preamble to the Act sets out four basic principles pertaining to the registration of lobbyists.

- Free and open access to government is an important matter of public interest.
- Lobbying public office holders is a legitimate activity.
- It is desirable that public office holders and the public be able to know who is engaged in lobbying activities.
- A system for the registration of paid lobbyists should not impede free and open access to government.

Individuals must be registered if they communicate with federal POHs, for payment, with regard to:

- the making, developing or amending of federal legislative proposals, bills or resolutions, regulations, policies or programs;
- the awarding of federal grants, contributions or other financial benefits; and
- in the case of consultant lobbyists, the awarding of a federal government contract and arranging a meeting between their client and a POH.

The Act provides for the following three categories of lobbyists:

CONSULTANT LOBBYISTS

Consultant lobbyists are individuals who are paid to lobby on behalf of a client. Consultant lobbyists may be government relations consultants, lawyers, accountants or other professional advisors who provide lobbying services for their clients. They must file a registration for each individual undertaking (i.e., one per client).

IN-HOUSE LOBBYISTS (CORPORATIONS)

In house lobbyists (corporations) are employees of corporations that conduct commercial activities for financial gain. As the registrant, the most senior paid officer must register the corporation if the total lobbying activity of all employees represents a significant part of the duties of one equivalent full time employee. The registration must include the names of all senior officers who engage in any lobbying activity, as well as the name of any employee (senior officer or otherwise) who individually devotes a significant part of his or her duties to lobbying activities.

IN-HOUSE LOBBYISTS (ORGANIZATIONS)

In house lobbyists (organizations) are employees of non-profit organizations, such as associations, charities and foundations, including non-profit corporations. As the registrant, the most senior paid officer of such an organization must register the names of all employees engaged in lobbying activities, if the total lobbying activity of all such employees represents a significant part of the duties of one equivalent full time employee.

DISCLOSURE REQUIREMENTS

All three categories of lobbyists are required to disclose certain information within time limits specified in the Act. This information includes:

- names of their clients, or corporate or organizational employers;
- names of the parent or subsidiary companies that would benefit from the lobbying activity;
- organizational members of coalition groups;
- specific subject matters of lobbying;
- names of the federal departments or agencies contacted;
- sources and amounts of any public funding received; and
- communication techniques used, such as meetings, telephone calls or grass roots lobbying.

Although their reporting requirements differ slightly, corporations and organizations must also provide general descriptions of their business or activities.

Regulations

The *Lobbying Act* authorizes the Governor in Council to make regulations respecting the submission of returns and other registration requirements of the Act, and in relation to various aspects of the lobbyists' registration regime.

The *Lobbyists Registration Regulations* set the form and manner in which lobbyists must file returns required by the Act. Returns disclose information regarding the lobbying activities of registrants. The Regulations also set out additional information to be disclosed in returns, beyond what is required by the Act. They set the timeframes to respond to a request by the Commissioner for correction or clarification of information submitted in returns. The Regulations also describe the type of communication that will trigger monthly returns. The Lobbyists Registration System reflects the form and manner of registration set out in the *Lobbyists Registration Regulations*.

The Act defines designated public office holders to include ministers, ministers of state and ministerial staff, deputy heads, associate deputy ministers and assistant deputy ministers and those of comparable rank throughout the public service. The *Designated Public Office Holder Regulations* further designate various positions in the Canadian Forces and the Privy Council Office, as well as the Comptroller General of Canada, with the result that the persons occupying those positions are included as "designated public office holders" under the *Lobbying Act*. The Regulations came into force on July 2, 2008 and further designated the following 11 positions or classes of positions:

- Chief of the Defence Staff;
- Vice Chief of the Defence Staff;
- Chief of Maritime Staff;
- Chief of Land Staff;
- Chief of Air Staff;
- Chief of Military Personnel;
- Judge Advocate General;
- any position of Senior Advisor to the Privy Council to which the office holder is appointed by the Governor in Council;
- Deputy Minister (Intergovernmental Affairs) Privy Council Office;
- Comptroller General of Canada; and
- any position to which the office holder is appointed pursuant to paragraph 127.1(1)(*a*) or (*b*) of the *Public Service Employment Act*.

On September 20, 2010, the Regulations were amended to add three more classes of positions to the category of designated public office holder:

- the position of Member of the House of Commons;
- the position of Member of the Senate; and
- any position on the staff of the Leader of the Opposition in the House of Commons or on the staff of the Leader of the Opposition in the Senate, that is occupied by a person appointed pursuant to subsection 128(1) of the *Public Service Employment Act*.

ANNEX D

LOBBYISTS' CODE OF CONDUCT

Under the *Lobbying Act* (the Act), the Commissioner of Lobbying is responsible for developing a lobbyists' code of conduct. The current *Lobbyists' Code of Conduct* (the Code) is the result of extensive consultations with a large number of people and organizations with an interest in promoting public trust in the integrity of government decision-making. The Code, which came into effect on March 1, 1997, is not a statutory instrument. The Commissioner is, however, responsible for enforcement of the Code.

The purpose of the Code is to assure the Canadian public that lobbyists are required to adhere to high ethical standards, with a view to conserving and enhancing public confidence and trust in the integrity, objectivity and impartiality of government decision-making. In this regard, the Code complements the disclosure and registration requirements of the Act.

The Code is based on the same four basic principles stated in the Act.

- Free and open access to government is an important matter of public interest.
- Lobbying public office holders is a legitimate activity.
- It is desirable that public office holders and the public be able to know who is engaged in lobbying activities.
- A system for the registration of paid lobbyists should not impede free and open access to government.

The Code is made up of the following three overriding principles followed by eight specific rules.

Principles

INTEGRITY AND HONESTY

Lobbyists should conduct with integrity and honesty all relations with public office holders, clients, employers, the public and other lobbyists.

OPENNESS

Lobbyists should, at all times, be open and frank about their lobbying activities, while respecting confidentiality.

PROFESSIONALISM

Lobbyists should observe the highest professional and ethical standards. In particular, lobbyists should conform fully with not only the letter but the spirit of the *Lobbyists' Code of Conduct* as well as all the relevant laws, including the *Lobbying Act* and its regulations.

Rules

TRANSPARENCY

1. Identity and purpose
Lobbyists shall, when making a representation to a public office holder, disclose the identity of the person or organization on whose behalf the representation is made, as well as the reasons for the approach.

2. Accurate information
Lobbyists shall provide information that is accurate and factual to public office holders. Moreover, lobbyists shall not knowingly mislead anyone and shall use proper care to avoid doing so inadvertently.

3. Disclosure of obligations
Lobbyists shall indicate to their client, employer or organization their obligations under the *Lobbying Act*, and their obligation to adhere to the *Lobbyists' Code of Conduct*.

CONFIDENTIALITY

4. Confidential information
Lobbyists shall not divulge confidential information unless they have obtained the informed consent of their client, employer or organization, or disclosure is required by law.

5. Insider information
Lobbyists shall not use any confidential or other insider information obtained in the course of their lobbying activities to the disadvantage of their client, employer or organization.

CONFLICT OF INTEREST

6. Competing interests
Lobbyists shall not represent conflicting or competing interests without the informed consent of those whose interests are involved.

7. Disclosure
Consultant lobbyists shall advise public office holders that they have informed their clients of any actual, potential or apparent conflict of interest, and obtained the informed consent of each client concerned before proceeding or continuing with the undertaking.

8. Improper influence
Lobbyists shall not place public office holders in a conflict of interest by proposing or undertaking any action that would constitute an improper influence on a public office holder.

ANNEX E

12-MONTH LOBBYING ACTIVITY SEARCH HELP

The 12 Month Lobbying Activity Search provides you with summaries of lobbying activities that have been active at any time during the past 12 months. The summaries include information found in both Registrations and Monthly Communication Reports.

NOTE THAT REGISTRY CONTENT IS AVAILABLE ONLY IN THE LANGUAGE IT WAS ENTERED BY THE SYSTEM USER.

Keyword Search

Keyword Search allows you to perform a full text search against all documents within the registry.

The Keyword Search also allows you to choose between three operator types:

1. *With all of the words*: Limits results to those documents which contain all of the words entered, no matter where the words are within the document.
2. *With the exact phrase*: Limits results to those documents which contain the exact phrase as entered.
3. *At least one of these words*: Limits results to those documents which contain one or more of the words entered.

Wildcard operator: Allows you to enter part of a word or miss a word from within an exact phrase. Here are some examples:

Partial word examples:

- Ste*: Will find any document with at least one word starting with "Ste" such as: Steven, Steve, Stephen, etc.
- *mobile: Will find any document with at least one word ending with "mobile" such as: automobile, snowmobile, etc.

Missing word in phase examples:

- Oil * industry: Will find any document with the phrase "oil <anything> industry" such as: oil sands industry, oil heating industry, etc.
- Oil * * industry: Will find any document with the phrase "oil <anything> <anything> industry" such as: oil and gas industry, oil and energy industry, etc.

Show Currently Active Summaries Only

If this box is checked results will include only the activities which are currently registered to lobby.

WHO IS LOBBYING?

- Corporation, Organization or Client of the Consultant: Searches within client, organization and corporation names as well as parent, subsidiaries, coalition members and other beneficiaries within all 12 Month Lobbying Summaries. Note: Wildcard operators can be used.
- Lobbyist or responsible officer last name: Searches within the last name of the consultant lobbyist (within Consultant 12 month summaries) and registrants and employee lobbyists (within In-house Organization and Corporation 12 month summaries). Note: Wildcard operators can be used.

- Lobbyist or responsible officer first name: Searches within the first name of the consultant lobbyist (within Consultant 12-month summaries) and registrants and employee lobbyists (within In-house Organization and Corporation 12-month summaries). Note: Wildcard operators can be used.

WHAT IS BEING LOBBIED?

- Subject matter details: Searches within the subject matter details and subject matter categories within all 12-month summaries. Note: Wildcard operators can be used.

WHO IS BEING LOBBIED?

- Federal government institution: Searches for the selected government institution within all 12-month summaries. Within a 12-month summary, the government institution can be found within a registration or in a monthly communication report (i.e. the government institution of the designated public officer holder who participated in the communication).
- Designated Public Office Holder (DPOH) last name: Searches within the last name of DPOHs entered in monthly communication reports for all the 12-month summaries. Note: Wildcard operators can be used.
- Designated Public Office Holder (DPOH) first name: Searches within the first name of DPOHs entered in monthly communication reports for all the 12-month summaries. Note: Wildcard operators can be used.

ANNEX F

STATISTICAL INFORMATION

Subject matter of lobbying activities

The following table shows, in rank order, the 20 subject matters most frequently identified by lobbyists in their registration for this fiscal year. The remaining two columns show the rank ordering of subject matters for the two previous fiscal years. This information is based on the registrations that were active on March 31, 2013.

SUBJECT MATTER OF LOBBYING	2012-2013	2011-2012	2010-2011
Industry	1	1	1
Taxation and Finance	2	2	2
International Trade	3	4	4
Environment	4	3	3
Health	5	5	5
Transportation	6	6	7
Science and Technology	7	7	6
Consumer Issues	8	8	8
Government Procurement	9	11	12
Employment and Training	10	12	11
Energy	11	10	10
Agriculture	12	9	9
Infrastructure	13	13	14
Regional Development	14	15	15
Aboriginal Affairs	15	14	13
Defence	16	17	17
International Relations	17	16	16
Economic Development	18	–	–
Internal Trade	19	19	20
Intellectual Property	20	18	19

Government institutions

The following table shows, in rank order, the 20 federal government institutions most frequently identified by lobbyists in their registration for this fiscal year. The remaining two columns show the rank ordering of institutions for the two previous fiscal years. This information is based on the registrations that were active on March 31, 2013.

GOVERNMENT INSTITUTION	2012-2013	2011-2012	2010-2011
House of Commons	1	1	2
Industry Canada	2	2	1
Prime Minister's Office	3	3	4
Finance Canada	4	4	3
Foreign Affairs and International Trade Canada	5	5	5
Senate of Canada	6	8	8
Privy Council Office	7	6	6
Environment Canada	8	7	7
Health Canada	9	9	9
Transport Canada	10	10	10
Natural Resources Canada	11	11	11
Public Works and Government Services Canada	12	13	14
Human Resources and Skills Development Canada	13	–	19
Treasury Board Secretariat	14	14	13
Agriculture and Agri-Food Canada	15	12	12
National Defence	16	15	15
Aboriginal Affairs and Northern Development Canada*	17	16	16
Canada Revenue Agency	18	–	–
Canadian Heritage	19	17	17
Justice Canada	20	18	18

*Name changed from Indian and Northern Affairs Canada in June 2011